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December 12, 2018

VIA HAND DELIVERY AND ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request for Highly Confidential Treatment – Applications of Securus Technologies, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions for Consent to the Transfer of Control of Licenses and Authorizations – WC Docket No. 18-193

Dear Ms. Dortch:

Securus Technologies, Inc. (“STI”) hereby provides the enclosed ex parte submission and electronic attachments in response to questions posed by the Commission Staff during the previously-reported meeting of November 27, 2018¹ and in accordance with the September 11, 2018 Information and Document Requests from the Federal Communications Commission (“FCC” or “Commission”) in the above-referenced docket.² Enclosed please find:

- STI’s ex parte submission; and

¹ See *Securus Technologies, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions Consolidated Applications for Consent to the Transfer of Control of Licenses and Authorizations*, Notice of Oral Ex Parte Presentation, WC Docket No. 18-193 (filed Nov. 29, 2018).

² Letter from Lisa Hone, Deputy Chief, Wireline Competition Bureau, FCC, to Paul C. Besozzi and Peter M. Bean, Squire Patton Boggs (US) LLP, Counsel for Securus Technologies, Inc., and Howard M. Liberman and Jennifer L. Kostyu, Wilkinson Barker Knauer, LLP, Counsel for TKC Holdings, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions, WC Docket No. 18-193, DA 18-939 (dated Sept. 11, 2018) (“Information Requests”).

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- One disk containing additional documents and information in support of the ex parte submission and certain other information that is responsive to the Information Requests.

This filing contains information that is properly designated as Highly Confidential Information under the Protective Order in the above-referenced docket.³ In accordance with paragraph 3 of the Protective Order, STI has received the written approval of the Commission Staff to designate the information provided herewith as Highly Confidential and the enclosed information has been labeled “HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NO. 18-193 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION” in accordance with paragraph 5 of the Protective Order.⁴ Pursuant to the procedures set forth in the Information Requests and the Protective Order, a copy of the Highly Confidential filing, including the disk, is being provided to the Secretary’s Office. Two copies of the Highly Confidential filing, including the disk, are being provided to Jodie May and Michael Ray of the Commission’s Staff. Separately, a redacted copy of this filing labeled “REDACTED – FOR PUBLIC INSPECTION” is being filed electronically through the Commission’s Electronic Comment Filing System in the above-referenced docket.⁵

STI has made a diligent effort to ensure that none of the documents being produced herewith is privileged under the attorney-client privilege or the attorney work product doctrine. To the extent that any privileged documents may have been inadvertently produced, such production does not constitute a waiver of any applicable privilege. STI requests that any privileged documents inadvertently produced be returned to STI as soon as the inadvertent production is discovered by any party, and reserves all rights to seek return of any such documents.

In support of this request for treatment of the enclosed information as Highly Confidential Information, STI provides the following information:⁶

(1) Identification of the specific information for which confidential treatment is sought

STI hereby seeks Highly Confidential treatment of the information after the notation *****BEGIN HIGHLY CONFIDENTIAL INFORMATION***** and before the notation *****END**

³ *In the Matter of TKC Holdings, Inc., Transferor, Inmate Calling Solutions, LLC d/b/a ICSolutions, Licensee, and Securus Technologies, Inc., Transferee, Consolidated Applications for Consent to Transfer Control of Domestic and International Authorizations Pursuant to Section 214 of the Communications Act of 1934, as Amended*, Protective Order, WC Docket No. 18-193, DA 18-938 (rel. Sept. 11, 2018) (“Protective Order”).

⁴ *Id.* ¶¶ 3, 5.

⁵ *Id.* ¶ 5.

⁶ 47 C.F.R. § 0.459(b).

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HIGHLY CONFIDENTIAL INFORMATION***as well as for all of the documents and information provided on the enclosed disk. This information is properly designated as Highly Confidential Information under one or more of the categories in Appendix A of the Protective Order.⁷

(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission

The information is provided in connection with questions posed by the Commission Staff during the meeting of November 27, 2018 and the Information Requests issued by the Wireline Competition Bureau in WC Docket No. 18-193.

(3) Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged

As explained to the Commission Staff, the subject information fits into one or more of the categories listed in Appendix A of the Protective Order, including categories 1-4 and 6-7.⁸ Additionally, the information provided constitutes proprietary commercial and business information or confidential material not routinely available for public inspection under Exemption 4 of the Freedom of Information Act (“FOIA”).⁹ STI hereby requests that such information be treated as Highly Confidential Information under the Protective Order and not be made routinely available for public inspection.

(4) Explanation of the degree to which the information concerns a service that is subject to competition

The Highly Confidential Information pertains to STI’s provision of inmate telephone calling and related services (“ITS”), a nationwide competitive service.

(5) Explanation of how disclosure of the information could result in substantial competitive harm

Disclosure of the Highly Confidential Information to the public or to competitors of STI would “allow those persons to gain a significant advantage in the marketplace or negotiations.”¹⁰ The presence of competitors in the ITS market and the likelihood of competitive injury to STI threatened by release of this information should compel the Commission to withhold the information designated as Highly Confidential Information from public disclosure. The

⁷ Protective Order Appendix A.

⁸ *Id.*

⁹ 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457.

¹⁰ Protective Order ¶ 2.

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Commission has provided assurances that it is “sensitive to ensuring that the fulfillment of its regulatory responsibilities does not result in the unnecessary disclosure of information that might put its regulatees at a competitive disadvantage.”¹¹

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure

In order to prevent unauthorized disclosure of the subject information, STI is hereby submitting a request that the subject information be treated as Highly Confidential Information indefinitely, and STI has obtained the Commission Staff’s written approval to designate the subject information as Highly Confidential Information pursuant to paragraph 3 of the Protective Order.¹² STI takes routine measures to ensure the confidentiality of this information during normal business operations, including instructing its employees and contracting partners not to disclose such information outside of STI, and restricting access to this information internally.

(7) Identification of whether information is available to the public and the extent of any previous disclosure of the information to third parties

The subject information is not ordinarily available to the public or to any third parties.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure

As described above, the subject information contains highly sensitive information within one or more of the categories set forth in Appendix A of the Protective Order and constitutes proprietary commercial and business information or confidential material not routinely available for public inspection under Exemption 4 of the FOIA.¹³ Disclosure of this information would cause significant competitive injury to STI if disclosed. For this reason, STI respectfully requests that the Commission protect this information from public disclosure indefinitely.

(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted

As the subject information is being submitted voluntarily, STI requests that, in the event that the Commission denies STI’s request for confidentiality, the Commission return the materials without consideration of the contents therein.

¹¹ *In the Matter of Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, GC Docket No. 96-55, FCC 98-184, 13 FCC Rcd 24816, ¶ 8 (rel. Aug. 4, 1998).

¹² Protective Order ¶ 3.

¹³ 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457.

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Please contact the undersigned should you have any questions concerning the foregoing.

Respectfully submitted,



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Counsel for STI

Enclosure

cc: Jodie May
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REDACTED – FOR PUBLIC INSPECTION

STI Ex Parte Submission



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December 12, 2018

VIA HAND DELIVERY AND ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Submission – Applications of Securus Technologies, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions for Consent to the Transfer of Control of Licenses and Authorizations – WC Docket No. 18-193

Dear Ms. Dortch:

Securus Technologies, Inc. (“STI”) hereby provides further information and documents in response to questions posed by the Commission Staff during the previously-reported meeting of November 27, 2018.¹ As noted in the accompanying cover letter, this filing, including the attachments, contains information that is properly designated as Highly Confidential Information under the Protective Order adopted in this proceeding.²

During the November 27, 2018 meeting, STI and Inmate Calling Solutions, LLC d/b/a ICSolutions (together with STI, “Applicants”) responded to questions from the Commission Staff concerning certain information submitted by the Applicants in response to Specification 19 in the

¹ See *Securus Technologies, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions Consolidated Applications for Consent to the Transfer of Control of Licenses and Authorizations*, Notice of Oral Ex Parte Presentation, WC Docket No. 18-193 (filed Nov. 29, 2018).

² In the *Matter of TKC Holdings, Inc., Transferor, Inmate Calling Solutions, LLC d/b/a ICSolutions, Licensee, and Securus Technologies, Inc., Transferee, Consolidated Applications for Consent to Transfer Control of Domestic and International Authorizations Pursuant to Section 214 of the Communications Act of 1934, as Amended*, Protective Order, WC Docket No. 18-193, DA 18-938 (rel. Sept. 11, 2018) (“Protective Order”).

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Commission's September 11, 2018 Information and Document Requests.³ First, the Commission Staff asked the Applicants to specify separately the point in time at which the information provided in column I of the spreadsheet submitted in response to Specification 19 was calculated. STI hereby states that the relevant information was calculated*****BEGIN HIGHLY CONFIDENTIAL INFORMATION*****

*****END HIGHLY CONFIDENTIAL INFORMATION*****Additionally, the Commission Staff asked the Applicants to provide information regarding the various factors used to calculate the information shown in column I. In connection with this request STI provides the spreadsheet labeled **Exhibit A** on the enclosed disk, which*****BEGIN HIGHLY CONFIDENTIAL INFORMATION*****

*****END HIGHLY CONFIDENTIAL INFORMATION*****

Following the November 27, 2018 meeting, the Applicants also received clarification questions from the Commission Staff concerning various specific RFPs shown in the Specification 19 spreadsheets. In response to these inquiries, STI provides the document labeled **Exhibit B** on the enclosed disk, which provides an overview of the resolutions to those clarification questions. Where required, STI has amended the updated version of its Specification 19 spreadsheet provided as **Exhibit C** on the attached disk. Changes, as well as new information since STI's last update on November 19, are highlighted for the convenience of the Commission Staff.⁴

Finally, STI listed Protocall, LLC ("Protocall") as an inmate telephone service ("ITS") competitor in documents filed in this proceeding to date.⁵ Recently, the Commission publicly announced that certain assets of Protocall were acquired by Combined Public Communications,

³ Letter from Lisa Hone, Deputy Chief, Wireline Competition Bureau, FCC, to Paul C. Besozzi and Peter M. Bean, Squire Patton Boggs (US) LLP, Counsel for Securus Technologies, Inc., and Howard M. Liberman and Jennifer L. Kostyu, Wilkinson Barker Knauer, LLP, Counsel for TKC Holdings, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions, WC Docket No. 18-193, DA 18-939 (dated Sept. 11, 2018) ("Information Requests"). STI also hereby provides certain other Highly Confidential Information responsive to the Information Requests.

⁴ The spreadsheet is updated through November 30, 2018.

⁵ See *Securus Technologies, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions Consolidated Applications for Consent to the Transfer of Control of Licenses and Authorizations*, Ex Parte Presentation, WC Docket No. 18-193, at 11 (Table 2) (filed Sept. 6, 2018); *Securus Technologies, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions Consolidated Applications for Consent to the Transfer of Control of Licenses and Authorizations*, Supplemental Responses to Information and Document Requests By Securus Technologies, Inc., WC Docket No. 18-193, at Exhibit G (filed Oct. 16, 2018).

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LLC.⁶ As a result, STI concedes that Protocall is no longer considered to be a separate competitor for ITS and all such representations in STI's pleadings and other documents in this proceeding to the contrary are hereby amended to reflect this development. Additionally, and consistent with information provided in STI's November 9, 2018 filing,⁷ STI adds a new entrant, ComApp Technologies, LLC, as an ITS competitor.

With this further submission in response to the Commission Staff's questions raised at the November 27, 2018 meeting, STI respectfully requests that the Commission restart its informal 180-day shot clock associated with its review of this transaction that was previously suspended.⁸

Please contact the undersigned should you have any questions concerning the foregoing.

Respectfully submitted,



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Enclosure

cc: Jodie May
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⁶ See *Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Protocall, LLC by Combined Public Communications, LLC, Non-Streamlined Pleading Cycle Established*, Public Notice, WC Docket No. 18-309, DA 18-1202 (rel. Nov. 27, 2018).

⁷ See Letter from Paul C. Besozzi and Peter M. Bean, Squire Patton Boggs (US) LLP to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 18-193 (filed Nov. 9, 2018).

⁸ See Letter from Kris Anne Monteith, Chief, Wireline Competition Bureau, FCC to Paul C. Besozzi and Peter M. Bean, Squire Patton Boggs (US) LLP, Counsel for Securus Technologies, Inc., and Howard M. Liberman and Jennifer L. Kostyu, Wilkinson Barker Knauer, LLP, Counsel for TKC Holdings, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions, WC Docket No. 18-193, DA 18-990 (dated Sept. 26, 2018).

REDACTED – FOR PUBLIC INSPECTION

Further documents and information

The documents referenced in this filing are provided on the enclosed disk and are Highly Confidential in their entirety

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